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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/652,924	08/28/2003	Hiroyuki Koyama	03496/LH	2489
1933	7590	11/04/2005	EXAMINER	
FRISHAUF, HOLTZ, GOODMAN & CHICK, PC 220 5TH AVE FL 16 NEW YORK, NY 10001-7708			COLILLA, DANIEL JAMES	
			ART UNIT	PAPER NUMBER
			2854	

DATE MAILED: 11/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/652,924

Applicant(s)

KOYAMA ET AL.

Examiner

Daniel J. Colilla

Art Unit

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2003 and 18 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☒ Claim(s) 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/28/03; 4/18/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. Figure 10 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claims 1-5 are objected to because of the following informalities:

In claim 1, line 14-16, the phrase, "either one of the other platen and the other printhead and either one of the other stationary blade and the other movable blade" does not make sense since there is only one of each of the above structures. Perhaps applicant intended to mean, -- either the other one of the platen and the printhead and the other one of the stationary blade and the movable blade.--

In claim 3, line 4, "of guide of the paper" is not grammatically correct. If applicant is attempting to recite a guide for the paper than --a-- should be inserted before "guide." It is noted, however, that applicant recites "a paper guide" in claim 5. Thus if the above change were to be made, it would result in a double recitation of the paper guide. *For purposes of examination the*

Art Unit: 2854

claim, claim 3 will be interpreted as not containing a guide since this structure is recited in claim 5.

In claim 3, line 5, applicant recites "a plurality of support sections." It is not clear if this is a plurality of the "unit support section" recited in claim 2, or if this is a separate structure in addition to that which is recited in claim 2. *For purposes of examination, the first mentioned in interpretation will be used.*

In claim 5, line 8, applicant uses the term, "sandwiched" to describe the relationship between the paper 8, connecting shaft 39 and the paper guide 4. This language would suggest that the paper comes into contact with and is pressed from either side by the connecting shaft and paper guide. However, the indication of paper path 7 in Figure 1 suggests that the paper may not actually come into contact with connecting shaft 39. Clarification and/or correction is required.

Appropriate correction is required.

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Art Unit: 2854

4. Claim 1 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,899,479. Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 1 of U.S. Patent No. 6,899,479 discloses all the structure recited in claim 1 of the present application.

Claim 3 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 2 of U.S. Patent No. 6,899,479. Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 2 of U.S. Patent No. 6,899,479 discloses all the structure recited in claim 3 of the present application.

Claim 4 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 3 of U.S. Patent No. 6,899,479. Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 3 of U.S. Patent No. 6,899,479 discloses all the structure recited in claim 4 of the present application.

Claim 5 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 4 of U.S. Patent No. 6,899,479. Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 4 of U.S. Patent No. 6,899,479 discloses all the structure recited in claim 5 of the present application.

Claim 6 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 5 of U.S. Patent No. 6,899,479. Although the

Art Unit: 2854

conflicting claims are not identical, they are not patentably distinct from each other because claim 5 of U.S. Patent No. 6,899,479 discloses all the structure recited in claim 6 of the present application.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

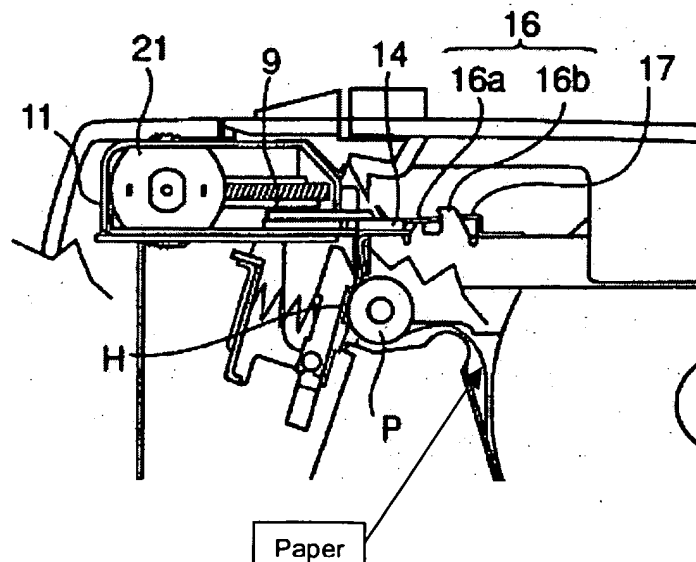
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Hosomi et al. (US 5,833,380).

With respect to claim 1, Hosomi et al. discloses a printer unit with a guide path as shown by the paper in the Figure below taken from Figure 4 of Hosomi et al.:



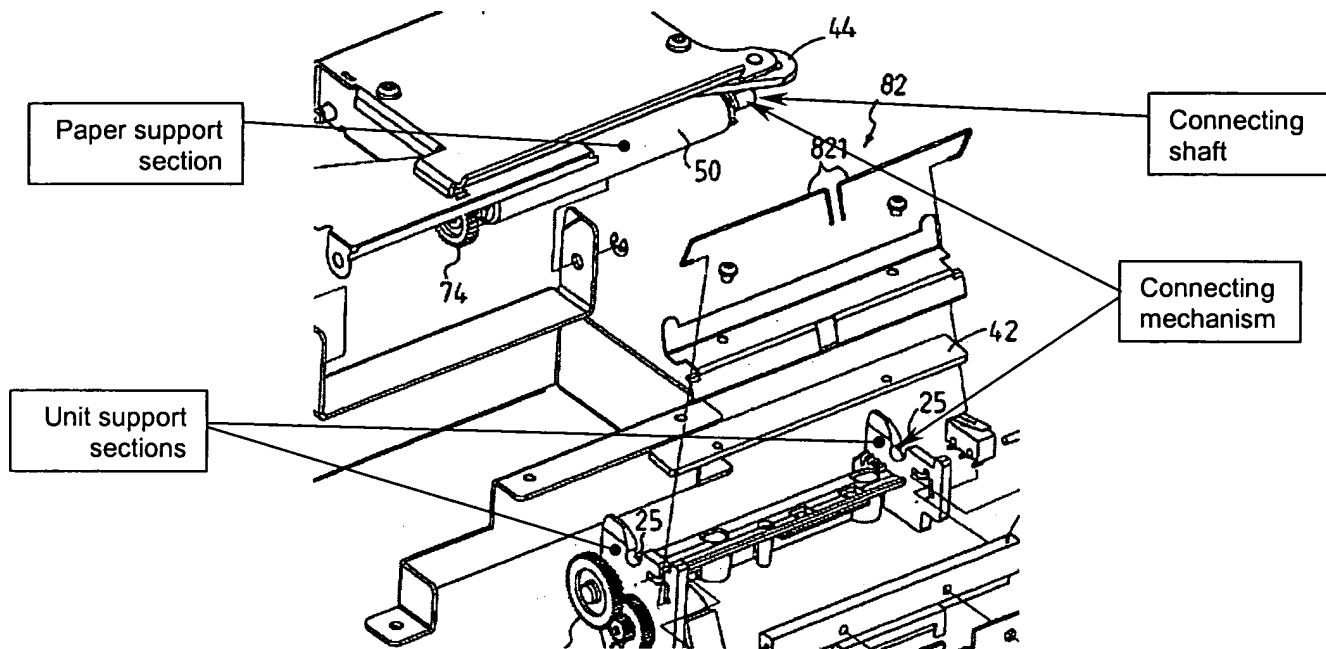
Hosomi et al. further discloses a printing section having a platen P and a printhead H, a cutter section with a stationary blade 14 and a movable blade 9 with the guide path located therebetween. Figure 5 of Hosomi et al. shows a first unit located on one side of the guide path and having the platen P and the stationary blade 14 and a second unit located on the other side of the guide path having the printhead H and the movable blade 9. Hosomi et al. additionally discloses a connecting mechanism 8,12 which removably connects the first unit to the second unit.

7. Claims 1-4 and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Robinson (US 6,447,187).

With respect to claim 1, Robinson discloses a printer unit with a guide path that passes through a printing section including a platen 50 and a printhead 60 as shown in Figure 4c of Robinson. Robinson further discloses a cutter section with a stationary blade 42 and a movable blade 44 with the guide path located therebetween. In Figure 4a Robinson shows a first unit located on one side of the guide path and having the platen 50 and the movable blade 44 and a second unit located on the other side of the guide path having the printhead 60 and the stationary blade 42. A connecting mechanism which removably connects the first unit to the second unit is formed by the end shafts of the platen 50 (one of which is shown in Figure 2) and the notch 25 shown in Figure 4a.

Art Unit: 2854

With respect to claim 2, the frame of the printer that surrounds the notch 25 is a unit support section that removably supports the first unit as shown below in the Figure taken from Figure 2 of Robinson:



With respect to claim 3, the connecting mechanism has a plurality of connecting shafts (only one is shown in the above Figure) mounted in the first unit, the axes of which are orthogonal to the direction of the guide path of the paper, and a plurality of support sections provided in the second unit for fitting the connecting shafts.

With respect to claim 4, the platen 50 has a paper support section and a support shaft at either end of the paper support section to serve as one of the connecting shafts as shown in the above Figure.

With respect to claim 6, Robinson discloses a movable blade holding section 30 which is mounted on the unit holding the movable blade as shown in Figure 1 of Robinson. The blade could be removed by disassembling the first unit.

Allowable Subject Matter

8. Claim 5 and 7 are objected to as being dependent upon a rejected base claim and objected to for the above mentioned informalities, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and rewritten to overcome the informalities.

9. The following is a statement of reasons for the indication of allowable subject matter:

Claim 5 has been indicated as containing allowable subject matter primarily for the connecting shaft located oppositely to the paper guides so that the paper will be sandwiched between the connecting shaft and the paper guide.

Claim 7 has been indicated as containing allowable subject matter primarily for the screw securing the first unit to the unit support section.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Colilla whose telephone number is 571-272-2157. The examiner can normally be reached on M-F 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on 571-272-2168. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2854

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

October 27, 2005

A handwritten signature in black ink, appearing to read "Daniel J. Colilla".

Daniel J. Colilla
Primary Examiner
Art Unit 2854

(51) Int. Cl. ⁷

FI

テーマコード (参考)

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Fターム(参考) 2C058 AB05 AC06 AC12 AD05 AE04 AF31 AF36 AF46 AF51 DA10

DA26 LA03^{*} LA08 LA13 LB07 LB17 LB22 LB24 *Cutcher*

~~2C059 DB02~~

2C061 A004 ~~AS06~~ CD09 ~~CD12~~ ~~BD05~~

3F101 FB14) FE15 LA07) LB03

Photon
support
with
grooves,
notches

thermal

- removable parts that open & close

attach/detach cutter